

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

:

Plaintiff

:

Case No. WMN-02-754

v.

:

JOHN RACHEL, *et al.*

:

Defendants

...oOo...

**PLAINTIFF'S MOTION FOR RETURN OF
SUMMARY JUDGMENT EXHIBITS**

The United States of America, by and through its counsel Rod J. Rosenstein, United States Attorney for the District of Maryland, and Michael A. DiPietro and Jamie M. Bennett, Assistant United States Attorneys, pursuant to Local Rule 113, hereby moves for an order authorizing the return of Plaintiff's Exhibit B to its Motion for Summary Judgment on Damages (Paper 47) and in support thereof states:

1. This civil action was brought by the United States in March of 2002 under the False Claims Act and under the common law against John Rachel, his wife Priscilla Rachel and two corporations owned and controlled by Mr. Rachel, RGI, Inc. and CSM, Inc.

2. After the close of discovery, the Parties filed cross motions for summary judgment on liability. *Papers 17 and 25*. The Court granted the United States' motion on July 10, 2003. *Paper 31*.

3. Thereafter, the United States filed a motion for summary judgment on damages. *Paper 47*. In support thereof, the United States filed a memorandum of law, two declarations and four exhibits. Among the exhibits filed with the Court was Exhibit B, a four binder set of

approximately 570 original documents obtained during the course of the government's investigation from which the Declarants calculated the government losses resulting from the Defendants' conduct.

4. The United States avers that many of the original exhibits contained within Exhibit B to Paper 47 will be used by it at the trial of this case, which currently scheduled for October 29, 2007. As such, the United States is in need of Exhibit B so that documents contained therein can be pre-marked for identification and introduction at trial.

5. The United States has prepared a photo-copy of Exhibit B as a substitute for the original Exhibit B and will provide same to the Clerk upon the Court's approval of an order authorizing the release of Exhibit B.

Accordingly, the United States respectfully asks this Court to grant its motion and pass an order authorizing the return of Exhibit B to Paper 47 to the United States for use at the trial of this matter currently schedule for October 29, 2007 and for such other and further relief as this Court deems just and proper.

September 25, 2007

Respectfully submitted,

Rod J. Rosenstein
United States Attorney

By _____/s/_____
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ORDER

For the reasons set forth in the foregoing Motion for Return of Exhibits filed by the United States, it is this ____ day of September, 2007 ORDERED:

That the United States Motion for Return of Exhibits is hereby GRANTED; and

That the Clerk of the Court is hereby ORDERED to return Exhibit B to Paper 47 to the United States for use at the trial of this matter currently scheduled for October 29, 2007.

The Honorable William M. Nickerson
United States District Judge